

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PRESTON FRANKFORD SHOPPING CENTER
DALLAS, TX. LIMITED PARTNERSHIP,

Plaintiff,

ORDER

10-CV-6448L

v.

BUTLER DINING SERVICES, LLC,
d/b/a Newk's Café, et al.,

Defendants.

There are several motions now pending before the Court and by Text Order (Dkt. #86) the motions are scheduled for a hearing before this Court on August 9, 2012.

Recently, as part of this Court's Alternative Dispute Program, this case was ordered to mediation (Dkt. #84). Counsel have advised the Court that the parties have already engaged in a lengthy mediation exercise before one of the Magistrate Judges in the District and no accord was reached. Therefore, under the circumstances, I believe it best to vacate the order to mediation and proceed to hear and resolve the pending motions.

CONCLUSION

The ADR Referral Order (Dkt. #84) is vacated.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 18, 2012.